

REMARKS

In complete response to the Official Action mailed March 28, 2002, please enter the remarks found herein into the official files pertaining to the above-referenced U.S. Patent Application.

Per this Response, claims 1-16 remain pending in the instant U.S. patent application and are presented for reconsideration.

It is believed that fees are due in regard to the submission of this paper. In particular, fees in the amount of \$920.00 in connection with a Petition for Extension of Time (3 Months) which has been submitted contemporaneously herewith. A grant of the Petition is earnestly requested.

The following remarks are submitted in complete response to the Office Action, and address in *seriatim* the merits of Office Action that require such response.

REJECTION OF CLAIMS 1-16 UNDER 35 USC § 103(a):

Spanning pages 2 through 4 of the Office Action, the Examiner rejects claims 1-16 under 35 USC § 103(a) allegedly as being unpatentable over U.S. Patent No. 6,169,603 to Takayama. According to the Examiner, the '603 patent shows a reticle inspection system in FIG. 2 thereof that includes a movable stage which has a first portion to support and object and a second portion in the form a laser scale, etc. According to the Examiner, the '603 patent does not show the drive mechanism claimed in rejected claims 1-16, but that it would have been obvious at the time of the invention to have a drive mechanism which drives the movable stage in at least a first direction, etc. The other alleged bases for rejection of claims 1-16 span pages 2 through 4 of the Office

Action and are not recited herein for purposes of brevity, but instead, are incorporated herein by reference.

The Applicant respectfully TRAVERSES the Examiner's rejection and asserts the following remarks in response.

The Examiner's rejection of claims 1-16 based on the '603 patent is flawed. The Examiner has apparently interpreted the '603 patent incorrectly by misapplying structural aspects to structures clearly described in the '603 patent. For example, the Examiner has interpreted claim 1's "second portion" to read on "the scale on the stage." A review of the "scale on the stage" structure as described in the '603 patent reveals that such a scale is a laser scale that is used for detecting an "absolute position in the direction of the X-axis or X-Y stage 2 and is hardly affected by the change in the environment....Specifically, the laser scale 12 is one which is formed in a manner of sandwiching a hologram grid prepared by means of the laser light between two sheets of quartz plates, and is on constituted by using the phenomenon that the phase of the diffracted light through the hologram grid is changed when moving the grid the irradiating the laser light." See '603 patent at col. 5, lines 64-end and 1-5, respectively.

Accordingly, an understanding of laser scale 12 would lead one of ordinary skill in the art to conclude that it in no way is the same structure defined by claim 1 of the instant Application, for example, or that the '603 patent includes a structure that is a "second position detector which optically detects the position of said second portion in said predetermined measurement direction" as defined by claims 1 and 5. As such structure is carried throughout the rest of the claims, the same holds true there as well.

It is noted that the Examiner has provided no basis for rejecting claim 16, an independent claim drawn to a method of manufacture. The '603 patent is completely and entirely deficient in showing, teaching, or otherwise suggesting such a method.

Accordingly, for the foregoing reasons, it is respectfully asserted that the Examiner has failed to make out a *prima facie* case of obviousness as is required under the law. Thus, it is also respectfully asserted that all claims pending in the instant Application are allowable over the prior art. As such, it is earnestly requested that the Examiner's rejection of claims 1-16 be withdrawn and that claims 1-16 be allowed to issue in a U.S. Patent.

CONCLUSION:

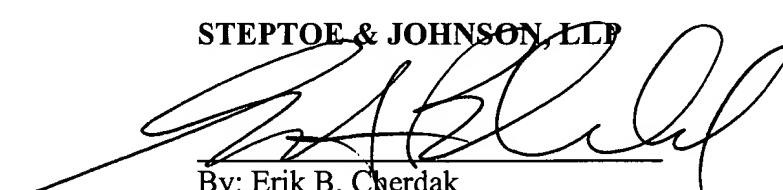
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If it is believed that a telephonic or in-person Examiner Interview will in any way expedite examination of the instant application, the Examiner is invited to contact the undersigned.

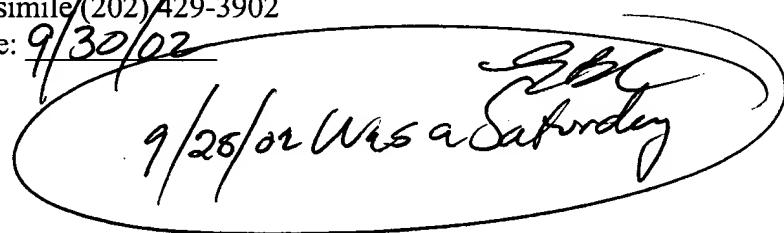
Respectfully submitted,

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9/28/02 was a Saturday